

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20908 of 1994

Between:

- 1.A.Pochaiah S/o.Narsaiah, aged about 65 years,
R/o.Village Namapur, Pegadapally Mandal,
Karimnagar District.
- 2.A.Nampally S/o.A.Pochaiah, aged 35 years,
R/o.Village Namapur, Pegadapally Mandal,
Karimnagar District.

..... PETITIONERS

AND

- 1.The District Collector, Karimnagar,
Karimnagar District.
- 2.The Sub Collector, Jagitial, Karimnagar District.
- 3.The Mandal Revenue Officer, Pegadapally, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the impugned action of the respondents in evicting the petitioners from schedule land admeasuring 2-10 guntas in Sy.No.250 situated at Nampur Village, Pegadapally Mandal, Karimnagar District in pursuance of the Judgment dt.24.08.1984 in A.S.No.10/92 rendered by the II Addl.Dist.Judge, Karimnagar as illegal, improper and arbitrary and unjustified and with a consequential direction to the respondents to issue patta to the petitioners for the said schedule land.

Counsel for the Petitioners: MR.CH.JAGANNADHA RAO

Counsel for the Respondent Nos.1 to 3: G.P. for Revenue.

The Court made the following :

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W.P.20908 OF 1994

ORDER:

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Heard both sides.

There is no dispute with regard to the fact that against the proceedings initiated against the petitioners under the Land Encroachment Act, the petitioners approached the Civil Court in O.S.No.459 of 1986 on the file of the Principal District Munsif, Karimnagar and though the same was decreed initially, but, however, on an appeal filed by the respondents in A.S.No.10 of 1992, the same was allowed by the II Additional District Judge, Karimnagar, by order, dated 24.08.1994 by setting aside the judgment and decree passed in O.S.No.459 of 1986 and hence, the respondents are proceeding to evict the petitioners from the properties held by them.

Having regard to the findings arrived at by the appellate Court holding that the petitioner has no right, they cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India to decide the matter under the provisions of the Land Encroachment Act.

In the circumstances, I do not find any merit in the writ petition and the same is dismissed. No costs.

12.08.2004

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The District Collector, Karimnagar, Karimnagar District.
2. The Sub-Collector, Jagitial, Karimnagar District.
3. The Mandal Revenue Officer, Pegadapally, Karimnagar District.
4. Two C.Cs. to the Government Pleader for Revenue, High Court Buildings,
Hyderabad. (O.U.T.)
5. Two C.D. copies.

